



Procedure #

Procedure Title Misconduct Reporting and Resolution Procedure

Procedure Owner Division / Department	Safe Sport / Operations
Effective Date	May 19, 2020
Last Review Date	May 19, 2020
Applicable Laws, Regulations, or Other Identified Risks	<p>Legislation*: Canadian Criminal Code, Ontario Human Rights Code, Personal Information Protection and Electronic Documents Act (Canada)</p> <p>Industry Codes/Policies*: Canadian Guideline on Concussion in Sport, Canadian Sport Policy, Canadian Policy Against Doping in Sport, International Skating Union (“ISU”) Code of Ethics, ISU Anti-Doping Rules, ISU Anti-Doping Procedures, ISU Constitution and Regulations, ISU Medical Guide, Physical Activity and Sport Act (Canada), Universal Code of Conduct to Prevent and Address Maltreatment in Sport (Canada), World Anti-Doping Agency Code (“WADA”) and International Standards and guidelines</p> <p>*Current and as may be amended from time to time</p> <p>Risks: Strategic, Compliance, Operational, Reputational</p>

Overview

At Skate Canada, every individual is entitled to a safe, professional, inclusive and respectful environment that treats individuals with fairness, dignity and respect in support of our core values, whereby all participants are entitled to feel and know they are safe and in an environment that is free from misconduct, which includes maltreatment (behaviors, acts, and/or conduct of abuse including but not limited to physical abuse, psychological abuse, sexual abuse; neglect; grooming; and interference or manipulation with the processes related to the implementation of the National Safe Sport Program, including retaliation, aiding and abetting, failure to report maltreatment of a minor, failure to report inappropriate conduct, and



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intentionally filing a false allegation), abuse of authority, bullying and/or abusive behaviour, harassment and discrimination.

Skate Canada is firmly committed to and believes in a proactive approach to creating a Safe Sport environment. The safety and protection of our participants from misconduct, including maltreatment (behaviors, acts, and/or conduct of abuse including but not limited to physical abuse, psychological abuse, sexual abuse; neglect; grooming; and interference or manipulation with the processes related to the implementation of the National Safe Sport Program, including retaliation, aiding and abetting, failure to report maltreatment of a minor, failure to report inappropriate conduct, and intentionally filing a false allegation), abuse of authority, bullying and/or abusive behaviour, harassment and discrimination, in our environment is of paramount importance.

This Misconduct Reporting and Resolution Procedure (this “Procedure”) is designed to help Skate Canada take all reasonable steps to prevent any occurrence of misconduct, and take every reasonable measure to promote and maintain a safe, inclusive and respectful environment. This Procedure is used to standardize the measures and procedures to meet the obligations as set out in the National Safe Sport Program and the Misconduct Reporting and Resolution Policy (the “Policy”), ensure that individuals have a process to report misconduct, confidence that there will be no retaliation or reprisal for reports made in good faith, and reports will be investigated and dealt with in a fair and timely manner, respecting the privacy of all concerned as much as possible.

Systems

Case Manager reporting and case management system external to Skate Canada for complaints of misconduct

Definitions

Certain terms used herein may not be capitalized; however, for the purposes of this Procedure, the following terms herein have the ascribed meanings as set forth below. In addition, all references to the singular include the plural and vice versa.

abuse means acts that result in harm, potential for harm, or threat of harm to a person, including of a physical, psychological and sexual nature



abuse of authority means an improper use of a power inherent in an individual's position to treat a person in an improper, incorrect, inappropriate, illicit or illegal manner

act that denies attention or support means acts of commission that deny attention, lack of support or isolation including but not limited to: ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time, abandonment of a skater as punishment for poor performance, arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same

athlete, as defined by Sport Canada, means an individual who is member or registrant of a sport organization subject to the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)

Board, pursuant to the Bylaws, means the board of directors of Skate Canada

bullying (and/or abusive behaviour) means unwanted physical, verbal or psychological acts, or other objectional conduct (in person and/or online/cyberbullying) by a person, deliberately or subconsciously, that is intended to ridicule, belittle, alienate or humiliate another person, irrespective of the persons' hierarchical position with relation to the other person

Bylaws means the bylaws of Skate Canada as amended and which are, from time to time, in force and effect

Case Manager means an independent, impartial and confidential person or organization retained by Skate Canada through which an individual may pursue the just, fair, and equitable resolution of complaints of alleged, suspected or actual misconduct

Charter means the Skate Canada Governance Charter which establishes Skate Canada's governance structure and defines key organizational elements of Skate Canada and the Board

CEO means Chief Executive Officer of Skate Canada, a Board appointed position

club, pursuant to the Bylaws, means a not-for-profit organization that is operating for the general purpose of providing Skate Canada programs and is managed by a volunteer board of directors



coach, pursuant to the Bylaws, means a skating expert with the required National Coaching Certification Program qualifications to provide a remunerated service at Skate Canada sanctioned clubs and skating schools, both on and off-ice. These individuals shall have registered, provided full payment and have met all professional coach registration requirements as set annually by Skate Canada

consent, as defined in the Criminal Code in force and effect and as amended from time to time, means the voluntary agreement of a person over the age of majority to engage in the sexual activity in question and must be present at the time the sexual activity in question takes place. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent. The Criminal Code also says there is no consent when: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of a someone abusing a position of trust, power or authority or someone consents on someone else's behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn't take proper steps to check if there was consent. For further information, please see the comment below.

Sexual activity with a minor is a criminal offence as is sexual activity with a person under the age of 18 years when the other person is in a position of trust or authority.

*[Comment to Consent: The responsibility for ensuring there is consent is on the person who is initiating or pursuing the sexual activity. When someone has said no to sexual contact, the other person cannot rely on the fact that time has passed or the fact that the individual has not said no again to assume that consent now exists. No one can legally consent in advance to sexual activity in the future when they will be unconscious. No one can legally consent to activity where they will suffer bodily harm, such as activity that will cause serious bruises, stitches or broken bones. **It is a criminal offence to engage in sexual activity with a child, as a child is unable to consent.**]*

contact behaviour includes but is not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another, deliberately hitting another with objects

days means working days, not including weekends and holidays



department means a group of multiple divisions in an organization (e.g., Marketing and Events, Operations, Performance Excellence)

director, pursuant to the Bylaws, means a person elected or appointed to serve on the Board

discrimination means behaviour / harassment consisting of actual or perceived adverse differential treatment of an individual based on a personal characteristic (collectively known as “prohibited grounds”) as established in the Canadian Human Rights Act, in force and effect and as amended from time to time, including but not limited to race, ancestry, national or ethnic origin, citizenship, colour, religion, age, creed, sex, sexual orientation, gender identity or expression, family status, marital status, genetic characteristics, disability, record of offenses, and any other characteristic prohibited by law

division means a section of a department dealing with specific areas of activity, expertise and/or responsibility (e.g., Corporate Services, Finance, Information Technology, Safe Sport and Strategic Communications, are some examples of divisions within the department of Operations)

electronic communication means communication using channels including but not limited to email, the Internet, the intranet, instant messaging, text messaging, facsimile, telephony (mobile/cellular, land/fixed line, etc.), voice communications, and social media

grooming, as defined in the UCCMS and as may be amended from time to time, means the deliberate conduct by an individual to sexualize a relationship with a minor that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the grooming process, the individual will gain the trust of the minor and protective adults and peers around the minor often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the minor in order to abuse or exploit the minor. Grooming can occur whether or not harm is intended or results from the behaviour

harassment means any vexatious comments, conduct, behaviour, actions or gestures targeted against another person that are insulting, intimidating, demeaning, malicious or offensive, where the person knows or ought reasonably to know that such behaviour or comments are unwelcome, including but not limited to sexual harassment, and criminal harassment as defined in the Criminal Code in force and effect and as amended



from time to time, which includes prohibited conduct that causes the other person reasonably, in all circumstances, to fear for their safety or the safety of anyone known to them. See also the definition of “sexual harassment”

individual means a person, and includes past and current registrants, members, parents/guardians of skaters (including minor skaters), as well as persons employed by or engaged in activities, events/competitions, and programs with and/or hosted by Skate Canada, including, but not limited to, directors of the Board, members of the standing committees of the Board, members of the operating committees of Skate Canada, officers of Skate Canada, a Skate Canada section (included for the purposes of this Procedure), event volunteers, and spectators

ISU means the International Skating Union, which is the exclusive international sport federation recognized by the International Olympic Committee (IOC) administering sports in the branches of figure skating and speed skating throughout the world. The ISU is composed of a number of national associations called ISU Members, who administer ISU sports at the national level and recognize that all international matters are under the sole jurisdiction and control of the ISU

intimidation means threatening behaviour(s) or conduct by a person towards another person with the intention of causing the other person to fear physical or mental injury or harm

law means any applicable legislation, statutes, regulations, policies, rules and codes of conduct established by government, legal or regulatory authority, or by any self-regulated industry association by which Skate Canada is or has agreed to be bound

maltreatment, as defined in the UCCMS and as may be amended from time to time, means behaviours, acts and/or conduct of abuse including physical, psychological, and sexual; neglect; grooming; and interference or manipulation with the processes related to the implementation of this Policy, including retaliation, aiding and abetting, failure to report maltreatment of a minor, failure to report inappropriate conduct, and intentionally filing a false allegation

member, pursuant to the Bylaws, means each person that meets the requirements of any of the three Member classes as defined in Article 3 of the Bylaws and that has been duly admitted as a member of Skate Canada (*which includes coaches, clubs, and skating school*)



minor means a child under the age of majority as defined in each province or territory of Canada, as may be amended from time to time. It is the responsibility of the adult to know the age of a minor

misconduct means acts, conduct and/or behaviours that result in or have the potential to result in physical or psychological harm, which for the purposes of Policy includes: maltreatment (behaviours, acts and/or conduct of abuse including physical, psychological, and sexual; neglect; grooming; and interference or manipulation with the processes related to the implementation of this Policy, including retaliation, aiding and abetting, failure to report maltreatment of a minor, failure to report inappropriate conduct, and intentionally filing a false allegation), bullying, harassment, and discrimination, all as defined within this Policy

neglect occurs when a person, who has a duty to care, fails to provide another person with the basic needs and requirements (including lack of reasonable care, inattention to needs, nurturing or well-being, or acts of omissions in care) or protect the other person from harm or potential harm. This includes but is not limited to: not providing an athlete recovery time and/or treatment for an injury; not being aware of and not considering an individual's physical or intellectual disability; not considering supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an athlete; failure to ensure safety of equipment or environment; allowing athlete's to disregard sport's rules, regulations and standards, subjecting individuals to the risk of maltreatment. Need is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the individuals needs and requirements, not whether harm is intended or results from the behaviour. See also the definition of "act that denies attention or support"

non-assaultive physical act (no physical contact) means physically aggressive behaviours, including but not limited to: throwing objects at or in the presence of others without striking another, hitting, striking or punching objects in the presence of others

non-contact behaviour includes but is not limited to: isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose; the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to an individual under the legal drinking age; providing illegal drugs or non-prescribed medications to an individual; encouraging or knowingly permitting a skater to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional (Refer to the



Concussion Protocol for complete details); encouraging a skater to perform a skill for which they are known to not be developmentally ready

Notice of Appeal means a formal notice served by the individual informing Skate Canada of their intention to request review of a decision

officer, pursuant to the Bylaws, means the President and such other officers as the Board may determine by Ordinary Resolution

organization means Skate Canada

party means the complainant, respondent, appellant, Skate Canada, and any other individual, persons, or other organizations directly and/or indirectly involved in the complaint

physical abuse means an incident of deliberate conduct that has the potential to be harmful to the physical well-being of an individual, which includes, without limitation, contact or non-contact behaviours that have the potential to inflict/cause physical harm. Physical abuse is determined by the objective behaviour, not whether harm is intended or results from the behaviour

psychological abuse means an incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the individual, which includes, without limitation, acts of verbal conduct, non-assaultive physical conduct, and conduct that denies attention or support (sometimes called 'emotional abuse'). Psychological abuse is determined by the objective behaviour, not whether harm is intended or results from the behaviour

President, pursuant to the Bylaws, means the chair of the Board and officer of Skate Canada

registrant, pursuant to the Bylaws, means (i) an individual who is registered by a club or skating school with Skate Canada and who is subject to all applicable rules, regulations and policies of Skate Canada but who is not a member; and (ii) an individual who is engaged in any activity provided, sponsored, supported, sanctioned or recognized by Skate Canada and registered directly with Skate Canada but who is not a member, which includes skaters and officials



Safe Sport division is a division of the Operations department of Skate Canada, reporting to the Senior Director, Operations, through which an individual may report incidents of injury and general disputes to Skate Canada

section, pursuant to the Bylaws, means an organization incorporated or organized in a particular province or territory (and in some cases, a combination thereof) strategically aligned with Skate Canada, that may receive funds from provincial or territorial Governmental Authorities and be subject to applicable sport recognition programs and transfer payment arrangements. Each Section is held to the governance and operating requirements of their respective province and / or territory(ies) and is responsible for skating in their respective jurisdictions

sexual abuse means any form of sexual act and/or interaction, whether physical or psychological in nature, and which may occur through behaviours that do or do not involve actual physical contact, that is committed, threatened, or attempted against an individual without the individual's consent. It includes with individual (s) of any age that is perpetrated against the victim's will, unwanted, without consent, or in an aggressive, exploitive, coercive, manipulative, or threatening manner, and includes but is not limited to, the Criminal Code Offenses in force and effect and as amended from time to time sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images). It also includes sexual harassment and any form of stalking of a sexual nature. Sexual abuse can take place through any form or means of communication (e.g., in-person, electronic communication, verbal, written, visual, through cyber means, or through a third-party)

sexual harassment means any vexatious comments, acts or conduct targeted against an individual because of sexuality, sexual orientation, gender identity or expression, that is committed, threatened, or attempted, and where the course of comment or conduct is known or ought reasonably to be known to be unwelcome

skater means (i) a person who is registered at a club or skating school with Skate Canada and who is subject to all applicable rules, regulations and policies of Skate Canada but who is not a member; and (ii) a person who is engaged in any activity provided, sponsored, supported, sanctioned or recognized by Skate Canada and registered directly with Skate Canada but who is not a member

skating school, pursuant to the Bylaws, means an organization other than a club that is operating for the general purpose of providing Skate Canada skating programs



social media means interactive digital-media technologies that facilitate the creation and sharing of information, ideas and other forms of expression via virtual communities and networks

threat means the implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as retaliation or persuasion for some action or course to the persons physical safety or property including, but not limited to, pain, injury, damage, harm or other hostile action

UCCMS, means the “Universal Code of Conduct to Prevent and Address Maltreatment in Sport”, as revised from time to time, the core Sport Canada Core document which serves as the foundation for the development of a coordinated implementation strategy to prevent and address maltreatment across all levels of the Canadian sport system, and for all participants (including athletes, coaches, officials, administrators, practitioners, etc.

verbal act, which includes electronic communication, means verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms, body shaming, derogatory comments related to one’s identity (e.g., race, gender identity or expression, ethnicity, indigenous status, ability/disability), comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening, the use or rumours or false statements about someone to diminish that person’s reputation, using confidential sport and non-sport information inappropriately (See also the definitions for bullying, harassment, and discrimination)

vexatious means actions instituted without sufficient grounds in order to cause annoyance to the person

we, us, our means Skate Canada, unless noted otherwise

zero-tolerance means a particular type of behaviour, act, conduct or comments that will not be tolerated at all, which, for the purposes of this Policy, is anything that is included in the definition of misconduct

Procedure Scope/Applicability

This Procedure is designed to implement the Policy. This Procedure is intended to ensure an appropriate and timely investigation and resolution of reports of actual or suspected complaints of misconduct.



This Procedure applies to all individuals, as defined in the Policy and within this Procedure, in the skating community.

This Procedure applies to complaints of alleged, actual or suspected misconduct, as defined within this Procedure.

To meet the guiding principles as established in the Policy, this Procedure sets out the process for the reporting, investigation and resolution management processes for complaints of misconduct including:

- initiation of complaints of misconduct, including the reporting process and timelines
- initial assessment to determine appropriate process to be followed
- informal resolution process
- formal resolution process, including investigation as applicable and response
- decision, including disciplinary action as applicable and appropriate
- appeal process

In addition, the Procedure establishes accountabilities, and roles and responsibilities.

Procedure Steps

Anyone who experiences or becomes aware of misconduct involving an individual, as defined by the Policy and this Procedure, must report the actual or suspected misconduct and follow the steps as outlined in this Procedure.

Initiation and Complaint Reporting Process

The complaint of actual or suspected misconduct under this Policy must be made directly through the external independent third-party Case Manager process.

The complaint should contain as much information as possible about the misconduct situation forming the subject of the complaint, including but not limited to dates, times, and locations of the occurrence (s) of misconduct, names of any witnesses to the occurrence (s), and a detailed description of the offensive behaviour or misconduct.

A complaint of misconduct as defined by the Policy can be raised through the Skate Canada's third-party independent hotline – on a confidential basis with or without anonymity – online, by telephone or e-mail 24 hours a day (collectively the “Hotline”), seven (7) days a week (including weekends and holidays). Complaints raised through



the Hotline are submitted by the third-party hotline provider to the external Case Manager to ensure an independent review, investigation and disposition.

If a report is submitted anonymously through the Hotline, the identity of the individual raising the complaint through the Hotline is not known to the Case Manager. To facilitate anonymous communication, the individual is provided with a confidential identification number that will allow for further communication through the Hotline.

Reports can be submitted in English or French by way of the following third-party independent hotline channels:

Online: www.skate-safe.ca

Telephone: +1-833-723-3758

Email: casemanager@skate-safe.ca

If after reviewing the reported complaint, the Case Manager determines that the issue does not fall within its mandate of complaints of misconduct, the reporting individual will be advised of the decision to redirect the issue to Skate Canada to be managed at the appropriate jurisdiction (such as, the club, skating school, section or Skate Canada depending on the situation and where the matter originated), and if warranted, the reporting individual can decide whether or not to retract the complaint. Skate Canada will advise all applicable parties of the reason it was not considered misconduct and where the matter has been redirected.

If a report received through either of the Skate Canada Safe Sport incident of injury or the general dispute reporting processes is determined to be potentially a complaint of alleged, suspected or actual misconduct, the report will be transferred to the independent Case Manager for assessment. Skate Canada will advise all applicable parties of the transfer to the external Case Manager.

Initial Assessment Process

Following the determination that the complaint should be accepted through the Case Manager, timelines will be established to ensure procedural fairness and further ensure that the matter is heard in a timely fashion. A decision to accept, refer or dismiss the complaint may not be appealed.

Upon acceptance of a complaint of misconduct, written acknowledgement will be provided to the complainant and notice will be provided to the respondent, and as applicable any other affected party, that a complaint has been received.



Depending on the nature of the allegation of misconduct, a verbal summary of the complaint of misconduct may be forwarded to the police and other appropriate law enforcement agencies/officials, or authorities as applicable or investigated through the Case Manager process, as warranted.

Depending on the nature of the allegation and/or at any time during the investigation process, upon the recommendation of the Case Manager, Skate Canada, at its discretion, may determine that an allegation is sufficiently serious to issue an immediate temporary suspension of membership or registration pending the outcome of the investigation and disciplinary process as outlined in this Procedure or an external investigation initiated by a partner organization or law enforcement agency, and all applicable parties will be notified of same.

Where criminal charges have been laid against an individual, Skate Canada may render a disciplinary decision to suspend the individual's membership, prior to or without conducting an investigation under these Procedures. If an individual has been convicted of a criminal charge or an individual has been found by a court or tribunal (e.g., Human Rights Tribunal) to have engaged in conduct that constitutes a serious and significant violation of Skate Canada's policies, Skate Canada will render a disciplinary decision, including suspension or expulsion of the individual, prior to or without conducting an investigation under these Procedures. An individual shall be deemed to have violated Skate Canada's policies if a court or tribunal has made a finding against the individual, and the finding is based on facts which would, in the opinion of Skate Canada, be grounds for a finding of misconduct under the Policy.

Skate Canada reserves the right, at its sole discretion, upon the recommendation of the Case Manager, to take appropriate action, regardless of whether or not criminal charges have been laid or a formal finding and/or conviction has been rendered, where there is satisfactory evidence that the individual engaged in conduct that constitutes a serious and significant violation of Skate Canada's policies, regardless of a court or tribunal decision.

Investigation and Resolution Process

For a misconduct complaint received and accepted, the Case Manager will be in charge of the investigation and resolution process and render a final and binding decision, subject to the right of appeal as outlined within this Procedure as applicable, to the Board.



The Case Manager will take appropriate steps to investigate and address the complaint. What appropriate steps will depend on the nature of the complaint, and other relevant circumstances. The investigation may include, but is not limited to, interviewing the complainant and accused parties as well as other individuals necessary to obtain sufficient information upon which to make an assessment. In addition, this may include the involvement of an external party, including but not limited to investigator(s), legal counsel and/or law enforcement, as required. All parties must cooperate with the investigation.

If appropriate, the Case Manager may attempt to resolve the issue with the parties using an alternate dispute resolution approach as appropriate. When the Case Manager is of the opinion that the misconduct complaint is serious and cannot be resolved using an alternate dispute resolution approach, or if it is a repeated pattern of behaviour, the Case Manager will escalate to the level of a formal investigation.

The Case Manager will determine whether a third-party investigator should be retained through a lawyer or directly. The Case Manager will provide the lawyer or investigator with relevant details about the complaint already provided by the complainant, as well as the relevant Skate Canada policies and procedures. Once the investigation is completed, the investigator will provide a final detailed report, including evidence provided by the complainant, the alleged respondent and relevant witnesses, and the investigator's findings and conclusions, to the Case Manager and to the lawyer if applicable. The Case Manager will review the final investigation report, obtain legal advice where appropriate, and deliver a final and binding decision, including disciplinary action, as applicable, to Skate Canada.

If it is determined through the investigation that an individual has made a false, malicious, or vexatious complaint or made the complaint with the intent to harm another individual, this will be investigated separately by Skate Canada and disciplinary action may be taken. See section on 'Fabricated, malicious, frivolous or vexatious complaint' for further details.

At any point during the review and/or investigation process, the Case Manager can render a decision based on sufficient information and/or evidence on file to support their decision.

In addition, at any time during the review and/or investigation, the Case Manager may at its discretion render a decision to dismiss a complaint if:

- the parties agree to resolve the situation through mediation, early resolution or other means



- the complaint does not constitute or relate to misconduct as defined by the Policy
- the complaint is unfounded/unsubstantiated
- the complaint is trivial, frivolous, malicious, vexatious, intentionally false or made in bad faith, or retaliatory

As applicable, at any time during the review and/or investigation, the Case Manager may in its discretion defer its investigation or decision, including disciplinary action, until a police investigation is complete.

If an individual attempts to circumvent the process by failing to respond to a complaint in a thorough and timely fashion or at all, or if the individual refuses to participate in the investigation process, the Case Manager will nonetheless proceed based on the information made available to them by the individual who submitted the complaint and any witnesses interviewed as part of the process.

Decision

The complainant and the respondent, and their legal counsel and/or other individuals or parties as applicable, will be notified of the findings and the conclusions (both as appropriate) made as a result of the investigation, including disciplinary action (as applicable). Notification is also provided if a decision is rendered to dismiss a report of misconduct for any reason as set out herein. Whenever any individual is found to have engaged in conduct that constitutes a breach of Skate Canada policies, including but not limited to the Code of Ethics Policy, Skate Canada can take appropriate disciplinary and remedial action to address and correct the situation. In appropriate situations, Skate Canada may initiate legal action.

Within 15 days of the Case Manager rendering their conclusion, the decision will be distributed to Skate Canada and all other appropriate parties, including information on the appeal process as applicable, by registered mail. In extraordinary circumstances, the decision may first be issued verbally or a summary decision provided soon after the Case Manager's conclusion, with the full written decision to be issued before the end of the 15-day period. The decision will be considered a matter of public record unless decided otherwise by Skate Canada.

Disciplinary Action

Disciplinary steps and/or actions range from informal (e.g., a verbal reprimand) to formal (e.g., privileges of membership may be temporarily suspended, suspension of



funding from Skate Canada or from other sources, suspension with conditions, registrant participation be suspended or cancelled, permanent expulsion with no ability for reinstatement) and from less serious to more serious up to and including publication of the disciplinary action, or any other sanctions/penalties that the Case Manager deems just and appropriate in the circumstances. Disciplinary actions/sanctions may be applied singularly or in combination.

Remedial steps that may be recommended range from a verbal or written apology letter of reprimand on the respondent's membership file, etc. to a more defined requirement (e.g., payment of a fine/levy, requiring behavioural counselling, formal education or training curriculum, etc.).

The appropriate disciplinary and/or remedial action, or any oversight/monitoring action or otherwise to be taken by Skate Canada, will be decided upon by the Case Manager. What is appropriate in any given situation will vary, and depend on a number of factors which may include (among other things) the nature and severity of the situation, whether this is a new or recurrent problem, etc.

Unless the Case Manager decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Case Manager will result in an automatic suspension until such time as compliance occurs.

Records of all decisions and supporting documentation (including, without limitation, reports, initial assessment, investigation reports, resolution, corrective action, etc.) will be maintained by the Case Manager and Skate Canada in a secure location and in accordance with the Record Retention Policy.

Appeal Process

The decision of the Case Manager is final and binding on all parties, subject to right of appeal to the Board.

A decision may be appealed by delivering a written Notice of Appeal addressed to the Board as outlined below within 15 days from the date that the decision letter is sent by registered mail to the individuals involved. The Notice of Appeal must contain the following information:

- intention to appeal;
- name and address of individual appealing;



- identity of the individual whose decision is being appealed and any affected parties;
- copy of the decision being appealed or description of decision if a written decision or document is not available;
- grounds for the appeal;
- detailed reasons for the appeal;
- why the sanction is inappropriate; and
- all evidence to support their position of appeal.

Appeals can be submitted as follows:

**Attention: Board of Directors
Skate Canada
261 – 1200 St. Laurent Blvd
Box 15
Ottawa, ON
K1K 3B8**

Any documentation which the parties wish to have the Board consider as part of the appeal must be in writing and provided to all parties in accordance with the timelines, as determined by the Board.

In addition to any other powers properly conferred upon the Board as part of the Bylaws or Charter, the Board shall have the power to:

- dismiss the appeal summarily and without formal investigation if it determines that the appeal is frivolous or vexatious
- affirm, reverse, nullify/cancel, or modify the decision appealed from, including but not limited to the following
 - lift suspension with no restrictions
 - lift suspension with restrictions
 - confirm suspension

The written appeal decision by the Board including any actions, as applicable depending on the outcome of the appeal, will be rendered within 30 days of receipt of the Notice of Appeal. The appeal decision, including as applicable any disciplinary or corrective action to be taken as a result of the decision, will be delivered via registered mail to all applicable parties and the CEO of Skate Canada. The date on which the Board sends the written decision via registered mail to the applicable parties will be deemed to be the date on which the decision was rendered.



An appeal decision of the Board is final and binding on all individuals involved. Individuals also retain the right to exercise any other legal avenue that may be available.

After completion of the appeal process, the Board will return all copies of the documentation from the appeal process, including any notes taken by the Board during the appeal, and a copy of the decision, and any corrective action to be taken to address the complaint or the appeal decision as applicable, to Skate Canada for safe-keeping in a secure location in accordance with the Record Retention Policy.

Failure to report

An individual who knowingly fails to report a known actual or suspected act of misconduct may be subject to disciplinary action, at the sole discretion of Skate Canada. The obligation to make a good faith report of a known actual or suspected act of misconduct is everyone's responsibility and includes reporting on a timely basis with all relevant information of which the individual is aware pertaining to the actual or suspected act of misconduct as defined within the Policy.

Fabricated, malicious, frivolous or vexatious complaint

A complaint of misconduct, as defined in the Policy, is a serious matter. Anyone reporting a concern, who is subject to this Policy, must be acting in good faith and have reasonable grounds for believing the information being reported is true and accurate. Any allegations that prove not to be substantiated and prove to have been frivolous, malicious, intentionally false, fabricated or vexatious will be viewed as a serious disciplinary offense, and the individual who reported the concern will be subject to disciplinary action up to and including suspension/expulsion. Where a complaint is unsubstantiated or based on mistake, it will not necessarily be considered frivolous, malicious, intentionally false, fabricated or vexatious.

Additional Information and Recourse

This Procedure does not prevent an individual from filing a complaint under human rights or making a police report.

All individuals have the right to:

- contact the provincial Human Rights Commission to file a formal complaint of discrimination or harassment



- proceed with criminal charges if the conduct complained of constitutes criminal conduct as defined by the Canadian Criminal Code

Roles and Accountabilities

Skate Canada

Skate Canada is responsible for taking all reasonable steps to meet our commitment to Safe Sport and the corresponding principles as outlined in the Policy and this Procedure, including

- implementation of the necessary preventative measures to ensure the Policy and Procedure are deployed and followed; and
- responding to any Safe Sport reported occurrence of misconduct
- advancement of Safe Sport policies, education and advocacy initiatives
- monitoring the external environment for new developments and advances impacting Safe Sport principles

Board

The Board is accountable for:

- the approval and oversight of the Policy and this Procedure to ensure that the Policy and Procedure are consistent with the strategic direction, objectives and strategic plans of Skate Canada
- decisions and acts as required by Skate Canada as defined with the Bylaws
- the appeal process, including the review and rendering of a final and binding decision and related actions (disciplinary or corrective) as applicable for appeals

CEO

The Board has assigned the responsibility the implementation of the Policy and this Procedure to the CEO, who is responsible for:

- ensuring the organization has the appropriate resources to develop ongoing prevention measures
- developing and implementing operational procedures and practices for Safe Sport
- developing an evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport, and adjusting delivery as necessary to meet established goals and objectives
- developing a communication and partnership strategy within the skating community to ensure a Safe Sport environment for all of our participants
- providing a quarterly standing report as applicable
- decisions and acts as required by Skate Canada as outlined within this Procedure



Senior Director, Operations (reporting to the CEO)

The Senior Director, Operations, who has responsibility of the Operations department of Skate Canada, which includes the Safe Sport division, is responsible for:

- ongoing evolution (subject to Board approval), application and maintenance of the Policy and this Procedure
- implementing and maintaining a National Safe Sport Program, including preventative measures and reporting and resolution processes
- regularly reviewing and maintaining the Policy and this Procedure

Case Manager

The Case Manager, retained by Skate Canada to manage, at arm's length, the independent misconduct complaints process, is responsible for:

- overseeing the activities of the misconduct complaint reporting program, including the independent third-party Hotline provider
- receiving, investigating and actioning concerns, including rendering a final and binding decision and disciplinary action as applicable, subject to appeal to the Board
- providing a quarterly standing report to the Board and CEO
- consolidating, filing, and retention of all records of reports received, together with the status/results of investigations/actions taken

Third-party independent misconduct Hotline provider

The Hotline provider is responsible for:

- receiving complaints of misconduct through the Hotline
- providing all reported complaints of misconduct to the independent Case Manager
- providing confidential access to the Hotline for follow-up communications with the individual in order to maintain their anonymity, as applicable

Coaches, Clubs, Skating Schools and Sections

In addition to what is required of every individual, coaches, clubs, skating schools and sections have an additional obligation to oversee and address the behaviours of others, by setting a good example and by taking positive action whenever they become aware of any potential breach of the Code of Ethics, the National Safe Sport Program, Policy and/or this Procedure. To achieve this, coaches, clubs, skating school and sections are responsible for:

- promoting and maintaining a safe and respectful skating environment, free of misconduct



- reinforcing all elements of the Policy, this Procedure, and the Code of Ethics
- having policies and processes to address acts of misconduct as they become aware of, or reasonably ought to be aware of, as soon as reasonably practical, in alignment with the National Safe Sport Program, the Policy and this Procedure
- actively work to eliminate any unsafe practices and misconduct which they become aware of, or reasonably ought to be aware of, and promptly inform the Case Manager of any situation of misconduct

Individuals

Every individual has a responsibility to take a proactive approach to creating a Safe Sport environment, and commit to the safety and protection of our participants from injury and misconduct in our environment. This means not engaging in, allowing, condoning, or ignoring behaviour that violates the National Safe Sport Program, the Policy, the Skate Canada Code of Ethics and/or this Procedure. To achieve this, individuals are required to:

- ensure that their actions, behavior and conduct comply with the Policy, the Skate Canada Code of Ethics and this Procedure
- acquire a clear understanding of safety prevention measures and respectful behaviours, for example the requirements as outlined in Skate Canada Code of Ethics Policy, the Anti-Doping Policy and accompanying Safe Sport Guide, the Concussion Policy, and the Concussion Protocol
- take positive measures to prevent and confront disrespectful and unsafe behaviours and practices
- immediately report complaints of actual or suspected misconduct to the Case Manager
- take all applicable education and training, as prescribed from time to time

Controls and Monitoring

The primary controls and monitoring mechanisms for this Procedure are as follows:

- reporting and resolution management processes including:
 - initiation of complaints of misconduct, including the reporting process and timelines
 - initial assessment to determine appropriate process to be followed
 - informal resolution process
 - formal resolution process, including investigation as applicable and response
 - decision, including disciplinary action as applicable and appropriate
 - appeal process



- establishes accountabilities, and roles and responsibilities
- preventative measures to support the National Safe Sport Program including, but not limited to, policies and procedures, risk identification and management, required education and training programs as prescribed from time to time (e.g., Respect in Sport, etc.), coach certification program, coach “in good standing” requirements, resources and tools, and ongoing communication and awareness
- quarterly standing report to the Board on the number and nature of the reports received and trends, including decisions (as applicable)

Lastly, this Procedure is reviewed in conjunction with the Policy at a minimum every three (3) years, or sooner if there are legislative or regulatory changes, as part of policy review and validation in accordance with the Policy Management Policy.

Related Documents/Resources

Skate Canada

Misconduct Reporting and Resolution Policy
National Safe Sport Program

Anti-Doping Policy (and Safe Sport Guide with Anti-Doping thereunder)
Code of Ethics
Safe Sport Guide
Online Criminal Record Check Procedure
Trans Inclusion Policy

Enterprise Risk Management Policy
Policy Management Policy
Privacy Policy
Record Retention Policy

Government and Industry Resources

Government of Canada/Sports Canada: ethics and safety in sport including key ethical issues on doping, abuse/harassment and violence, and violence in sport, policies and procedures related to Safe Sport (including but not limited to the Universal Code of Conduct to Prevent and Address Maltreatment in Sport)

Canadian Centre for Ethics in Sports (CCES): abuse free sport helpline, anti-doping program, anti-doping education and resources, concussion prevention education



Abuse Free Sport

<http://abuse-free-sport.ca/en/> | 1-888-83SPORT | info@abuse-free-sport.ca

Anti-doping program, education and resources

<https://cces.ca/canadian-anti-doping-program>

Coaching Association of Canada: Coaches Code of Ethics, and the Responsible Coaching Movement, which focuses on three key areas: Rule of Two, Background Screening, and Ethics & Respect Training

<http://coach.ca/responsible-coaching-movement-s17179>

Coaching Association of Ontario:

<http://coach.ca/for-coaches-who-work-with-children-in-sport-p160718>

Canada Olympic Committee: education resources aimed at promoting a safer and more inclusive sport environment

International Olympic Committee (IOC):

<https://www.olympic.org/educational-tools>

International Skating Union (ISU): clean, true sport initiatives, and anti-doping rules

- ISU Anti-Doping Rules
- ISU Anti-Doping Procedures
- ISU Code of Ethics

Kids Help Phone:

www.kidshelpphone.ca | 1-800-668-6868

National Coaching Certification Program Code of Ethics:

https://www.coach.ca/files/NCCP_Code_of_Ethics_2016_EN.pdf

Respect Resource Line: Nation-wide, toll-free, Respect Resource Line available to all Coaches and Activity Leaders who have been trained in the Respect in Sport Activity Leader program

World Anti-Doping Agency (WADA): World Anti-doping Code and International Standards



SKATECANADA

Questions/ Contact Information

For questions, please refer to the Senior Director, Operations